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UNCLAS KATHMANDU 001531

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SENSITIVE
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DEPT FOR PRM, SCA/INS, DRL, AND G; GENEVA FOR RMA

E.O. 12958: N/A
TAGS: [PHUM](#) [PREF](#) [PREL](#) [NP](#) [CH](#)
SUBJECT: NEPAL DEPORTS TIBETAN REFUGEE TO CHINA

SENSITIVE BUT UNCLASSIFIED - PROTECT ACCORDINGLY

¶1. (SBU) Summary: On July 16 Tibetan refugee Tsering Wangchen was deported from Nepal to China in an apparent violation of the so-called &gentlemen,s agreement8 between the Government of Nepal (GON) and UNHCR whereby new Tibetan refugee arrivals are permitted to transit Nepal to India and are not returned to China. The incident was reported widely in the international press and by the U.S.-based International Campaign for Tibet. Embassy has attempted to clarify events leading to the refoulement and expressed its concern over the incident to the GON on August 7. The Ministry of Home Affairs assured the Embassy August 9 that the incident does not reflect a change of the GON policy of non-refoulement of Tibetan refugees, but rather was an anomaly based on confusion in the Department of Immigration and alleged criminal behavior by Tsering Wangchen. The Ministry promised that appropriate measures would be taken to ensure no such incidents occur in the future. Ambassador raised U.S. concern over the incident in her August 10 meeting with the Prime Minister, who had been unaware of it. End Summary.

¶2. (SBU) According to information obtained by Embassy from UNHCR and from the Tibet Office in Kathmandu, Tibetan refugee Tsering Wangchen initially entered Nepal in early 2006 and

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routinely was allowed transit to India with the assistance of UNHCR via the Tibetan Refugee Reception Center (TRRC) on March 26, 2006. He returned to Nepal clandestinely in August 2006, however, with the reported intention of returning to Tibet, and took up temporary residence in Kathmandu. While in Kathmandu, he was accused by a neighbor of theft and subsequently threatened investigating police with a knife, for which he was arrested and fined 10,000 Nepalese rupees (about USD 150). Unable to pay the fine, he instead was jailed until October 2006 and then turned over to the Department of Immigration (DOI). The DOI imposed an additional fine of 17,000 rupees (USD 260) for illegal residence, which he also was unable to pay. UNHCR interviewed Tsering Wangchen on October 19, 2006, and finding him to be a refugee, asked DOI not deport him to China. Normally, members of the local Tibetan community will assist indigent Tibetan refugees to pay DOI fines, but in this case no one came to his assistance, and he instead was returned to jail until July 11.

¶3. (SBU) UNHCR staff were informed July 12 by the DOI that Tsering Wangchen was being released from prison and was

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subject to deportation. UNHCR at this point normally would have transmitted a formal request to the DOI that a Tibetan refugee be released into the custody of UNHCR and the TRRC for movement to India instead of deportation to China. In this case, however, UNHCR did not transmit such a letter because it had been advised informally by the DOI that Tsering Wangchen in any event would be released to UNHCR/TRRC

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custody. Despite this assurance, however, the DOI quietly moved him to the Kodari/Tatopani border crossing and deported him to China on July 16. No information is available as to his current status or whereabouts. Embassy did not learn of Tsering Wangchen's refoulement until August 3, when it was

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informed of the incident by the Washington-based
&International Campaign for Tibet.⁸

¶4. (SBU) On August 7, Embassy expressed its concern over the refoulement to Ministry of Home Affairs Under Secretary Shankar Koirala, who promised an investigation. In a meeting with emboff August 9, Koirala said the DOI's action in deporting Tsering Wangchen to China was an anomaly,⁸ and absolutely did not reflect a change in the GON policy of non-refoulement and of turning Tibetan refugees over to UNHCR and the TRRC to arrange their onward transit to India. Koirala was clearly contrite and irritated with the DOI. He said the DOI claims it mistakenly handled Tsering Wangchen's case in this manner because he had been residing in Kathmandu rather than attempting to transit Nepal from China to India, and because he had been arrested on criminal rather than illegal entry charges. Koirala emphasized that this rationale by the DOI was in error and that the DOI had carried out the deportation without notifying senior Ministry officials. He went on to assure emboff that a Ministry investigation of the deportation is continuing and that safeguards would be put into place so that no such incident would occur in the future.

¶5. (SBU) In her meeting with Prime Minister Koirala August 10, the Ambassador expressed U.S. concern over the deportation and sought assurance that the GON was not changing its policy of non-refoulement of Tibetan refugees. The Prime Minister did not have information at hand regarding the incident.

¶6. (SBU) Comment: The GON does not appear to have backed away from its formal policy of non-refoulement of Tibetan refugees. The deportation instead appears to have resulted from a combination of confusion over official GON policy, miscommunication, and perhaps some ill will in the Department of Immigration. This was compounded by the failure by UNHCR on July 12 to transmit a formal request to the DOI that Tsering Wangchen be handed over to UNHCR and the TRRC to

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facilitate his transit to India instead of deporting him to China--a copy of that request would have been sent to the GON &National Unit for the Co-ordination of Refugee Affairs⁸ (NUCRA), which could have ensured that it was honored by the DOI. UNHCR agrees it must in the future be sure to formally submit such requests, with copies to NUCRA. Emboff emphasized to the Ministry of Home Affairs the extreme concern with which the U.S. views the deportation of Tsering Wangchen and the possible consequences of any relaxation of the GON policy of non-refoulement of Tibetan refugees.

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